

## **REMARKS**

Upon entry of the present amendment, claims 1-25, 88, 90, 93-94, and 96-113 are under examination. Claims 26-87 are withdrawn from consideration. In the present amendment, claims 91, 92 and 95 are canceled. Applicant proposes to amend claim 88 to recite subject matter found in canceled claims 91, 92, and 95. Applicant proposes to amend claims 93, 94, and 96 so that those claims depend from claim 88, and not from canceled claim 92 or 95. Applicant proposes to amend claims 6 and 94 to delete the language "selected from the group including." That amendment does not narrow the scope of those claims. Applicant proposes to amend claims 18 and 106 to correct a typographic error by replacing "where in" with "wherein." That amendment does not narrow the scope of those claims.

The foregoing amendments do not add new matter or raise new issues. The amendments also place the application in better condition for allowance. Thus, Applicant respectfully requests entry of the amendments.

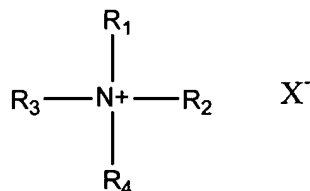
Applicant acknowledges allowance of claims 1-25. Final Office Action at page 3, item 5.

### **I. Rejection of Claims 88, 91, and 97-101 under 35 U.S.C. § 102(b)**

The Examiner rejected claims 88, 91, and 97-101 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,943,530 to Christner. Final Office Action at page 2, item 3. Solely to expedite prosecution and without acquiescing to the Examiner's rejection, Applicants propose to amend claim 88 to recite the following elements:

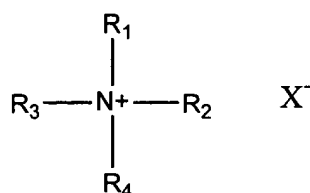
...wherein the at least one cationic surfactant is selected from:

- a) an alkyltrimethyl ammonium salt having the structure:



wherein R<sub>1</sub>, R<sub>2</sub>, and R<sub>3</sub> are methyl groups, and R<sub>4</sub> is an alkyl group comprising 6, 8, 10, 12, 14, 16, or 18 carbon atoms; and

b) a benzyldimethyl-*n*-alkylammonium salt having the structure:



wherein R<sub>1</sub> and R<sub>2</sub> are methyl groups, R<sub>3</sub> is an aryl group comprising six carbon atoms, and R<sub>4</sub> is an alkyl group comprising 6, 8, 10, 12, 14, 16, or 18 carbon atoms.

Those elements are found in canceled claims 91, 92, and 95.

With respect to canceled claims 92 and 95, the Examiner stated that those claims “would be allowable if rewritten in independent form including all of the limitations of the base claim [claim 88] and any intervening claims.” Office Action at page 3, item 4. The proposed amendment to claim 88 includes as options the elements of canceled claim 92 or claim 95 and includes the elements of “intervening” claim 91. Thus, proposed amended claim 88 is allowable. Claims 97-101 ultimately depend from proposed amended claim 88. Thus, those claims are also allowable.

Applicant respectfully asserts that proposed amended claim 88 and dependent claims 97-101 are in condition for allowance. Applicant canceled claim 91, and the rejection is therefore moot as to that claim. Applicant respectfully requests

reconsideration and withdrawal of the rejection of claims 88, 91, and 97-101 under 35 U.S.C. § 102(b).

**II. Objection to Claims 90, 92-96, and 102-113**

The Examiner objected to claims 90, 92-96, and 102-113 “as being dependent upon a rejected base claim [claim 88].” Office Action at page 3, item 4. As discussed above, proposed amended claim 88 is allowable. Claims 90, 93, 94, 96, and 102-113 ultimately depend from proposed amended claim 88. Thus, those claims are also allowable. Applicant canceled claims 92 and 95, and the objection is therefore moot as to those claims. Thus, Applicant respectfully requests reconsideration and withdrawal of the objection to claims 90, 92-96, and 102-113.

Prior to allowance of the present application, Applicant urgently requests that the Examiner initial and return the Form PTO 1449, which was submitted in an Information Disclosure Statement filed November 21, 2001, to indicate that the listed documents have been considered.

## CONCLUSION

Applicant respectfully asserts that the application is in condition for allowance. If the Examiner does not consider the application to be in condition for allowance, Applicant requests that the Examiner call the undersigned at (650) 849-6778 to arrange an interview prior to taking action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: July 15, 2005

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